

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:09-CV-11253-RGS

_____	)
DANIEL F. CARDARELLI,	)
Plaintiff,	)
v.	)
	)
THE MASSACHUSETTS BAY	)
TRANSPORTATION AUTHORITY,	)
et al.,	)
Defendants.	)
_____	)

AFFIDAVIT OF DANIEL S. TARLOW

Under oath, I depose and state the following:

1. My name is Daniel S. Tarlow and I am counsel of record in the above matter for the Massachusetts Bay Transportation Authority, Joseph Carter, John A. Martino, Dolores Ford Murphy, Thomas Komola, Anne McCall, Kenneth Sprague, Peter Pasciucco, Priscilla Jackson, and William Killoran.
2. Attached hereto as Attachment A is a true and accurate copy of an obituary of John O'Loughlin from the Boston Herald.
3. Attached hereto as Attachment B are true and accurate copies of articles from the Boston Globe concerning the death of William Stauss.
4. Attached hereto as Attachment C is a true and accurate copy of certified records from Suffolk Superior Court in the case of *Commonwealth v. Che Meranda*, SUCR1996-10278.
5. Attached hereto as Attachment D is a true and accurate copy of the July 18, 2002 denial of plaintiff's Workers Compensation Claim.
6. Attached hereto as Attachment E is a true and accurate copy of a February 1, 2006 notice of one-day suspension.

7. Attached hereto as Attachment F is a true and accurate copy of the findings from the March 14, 2006 Just Cause Hearing.

8. Attached hereto as Attachment G are true and accurate copies of

- Peter Pasciucco's Diploma from the State Police Academy dated May 21, 1982;
- Various certificates of accomplishment from the State Police Academy;
- Certification from the Massachusetts Criminal Justice Training Council that Peter Pasciucco successfully completed the Basic Training Course at the State Police Academy;
- True and accurate copies of the following documents received by me from the Division of Standards and Training Section of the State Police Academy on 10/1/09: a) a memorandum attesting to Peter Pasciucco's academy record, and b) a certification from the Massachusetts Criminal Justice Training Council that Peter Pasciucco successfully completed the Basic Training Course held at the State Police Academy;
- Peter Pasciucco's test scores from the Academy showing he finished first in his academy class;
- The picture of Peter Pasciucco's graduating class from the academy (he is on the far left of the first row);
- The Division of Personnel Administration transfer of Pasciucco from the Canton Police Department to the MBTA Police Department dated December 24, 1986; and
- An excerpt from the minutes of the meeting of the Canton Board of Selectman, dated August 19, 1980, appointing Peter Pasciucco a permanent intermittent police officer.

9. Attached hereto as Attachment H is a true and accurate copy of Personnel Order 2007-058.

10. Attached hereto as Attachment I are true and accurate copies of articles from the Boston Globe concerning the appointment and departure of Thomas O'Loughlin as MBTA Police Department Chief.

11. Attached hereto as Attachment J is a true and accurate copy of an article from the Bay State Banner concerning the appointment of Joseph Carter as MBTA Police Department Chief.

12. Attached hereto as Attachment K is a true and accurate copy of an article from the Boston Globe concerning the departure of Joseph Carter as MBTA Police Department Chief

and his appointment as the Adjutant General of the Massachusetts National Guard, and the appointment of Paul MacMillan as acting Chief of the MBTA Police Department.

Signed under penalty of perjury this 2<sup>nd</sup> day of October 2009.

A handwritten signature in black ink, appearing to be "Daniel S. Tarlow", written over a horizontal line.

Daniel S. Tarlow